

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERRENCE BATTLE, et. al.,

Plaintiffs,

**AMENDED NOTICE OF
MOTION**

-against-

THE CITY OF NEW YORK, et. al.,

11 CV 3599 (RMB)(HBP)

Defendants.

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PLEASE TAKE NOTICE that that upon the Memorandum of Law dated August 4, 2011; and upon all prior pleadings and proceedings had herein, defendants City of New York and Raymond Kelly, will move this Court, before the Honorable Richard M. Berman, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, at a date and time to be determined, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for the dismissal of plaintiffs' First Amended Complaint against them and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, plaintiffs are to serve their opposition papers on the undersigned on or before September 9, 2011; and

PLEASE TAKE FURTHER NOTICE that the moving defendants are to serve their reply papers on or before September 23, 2011.

Dated: New York, New York
 August 4, 2011

MICHAEL CARDOZO
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City of New York
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By: _____
 /s/
 Mark D. Zuckerman
 Senior Counsel